

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
AT CINCINNATI**

**DOCKET NO. 1: 15-CR-00119--004**

**UNITED STATES OF AMERICA**

**PLAINTIFF**

**vs.**

**DERRICK THORNE**

**DEFENDANT**

**SENTENCING MEMORANDUM  
ON BEHALF OF DERRICK THORNE**

Comes now the Defendant, Derrick Thorne, by and through Counsel, and hereby submits the following Sentencing Memorandum setting forth all factors that the Court should consider in determining what type and length of sentence is sufficient, but not greater than necessary, to comply with the statutory directives set forth in 18 U.S.C. § 3553(a).

Mr. Thorne acknowledges that he Possessed with Intent to Distribute Cocaine. He admits wrongdoing, but asks this court to refrain from imposing a substantial punishment, based primarily on his acceptance of responsibility.

**Application of the Statutory Sentencing Factors to the Facts of this Case**

Pursuant to 18 U.S.C. § 3553(a), the following factors must be considered when determining what type and length of sentence is sufficient, but no greater than necessary, to satisfy the purposes of sentencing:

**1. The Nature and Circumstances of the Offense and the History and Characteristics of the Offender**

**(a) Nature and Circumstances of the Offense**

Mr. Thorne admits that he possessed with intent to distribute cocaine in the Southern District of Ohio.

**(b) History and Characteristics of Mr. Thorne**

Mr. Thorne is 43 years old, having been born on January 27, 1974, in Portsmouth, Virginia. Mr. Thorne considers his step-father, Alonzo Jones, to be his father. Mr. Thorne's mother, Nina Thorne Jones, died due to medical complications while Mr. Thorne was incarcerated in 2016. Mr. Thorne has two biological children but also cares for and helped raise two other children. Mr. Thorne is currently in a relationship with Kimberly Harshaw; they have been in a relationship for eleven years. Mr. Thorne wants to go back to work, stay drug free and get help with his addiction.

Mr. Thorne has had trouble with substance abuse since he was 22 years old. Derrick's family has a history of alcoholism. He began drinking when he was 22, stopped when he was on probation, but ultimately returned to drinking due to life stress. Derrick has received treatment for his alcohol problems, but does not believe past treatment has been beneficial. He completed the treatment program at the River City Correctional Center on October 21, 2003.

Derrick graduated from Aiken High School on August 5, 1994. While in high school, Derrick was a member of ROTC. He was offered a football scholarship to Central Michigan University and a basketball scholarship to George Mason University.

Mr. Thorne has a strong record of employment for the majority of his adult life. For the years of 2012-2013 he had a landscaping/lawn care business. During high school, he worked with his uncle, George Davis, in construction and home repair. After he graduated from high school, he worked for Cincinnati Institute Career Alternative, a program focused on felons.

In 2010, Derrick was stabbed in the left arm and suffered radial nerve damage on the inside of his forearm. He has no use of his left hand and no feeling in his thumb. Derrick was again stabbed in the upper left arm in 2012. He continues to have pain and would like to have

additional surgery and medical attention to his left arm. While being incarcerated, Derrick developed a fungus on a nail of his left foot and anticipates having to have the nail removed. Additionally, while in jail, two tears in Derrick's right rotator cuff was discovered. Derrick is currently seeing an orthopedic doctor and may have to have surgery in the future.

**2. Need for the Sentence Imposed To Promote Certain Statutory Objectives:**

(A) to reflect the seriousness of the offense, promote respect for the law, and provide just punishment for the offense

A sentence of 70 months would reflect the seriousness of this crime, provide just punishment and promote respect for the law. If Derrick were sentenced to 70 months, like requested, this will be ample punishment.

(B) to afford adequate deterrence to criminal conduct

A sentence of 70 months will deter both Derrick from partaking in future crimes and the public as a whole from partaking in these types of crimes.

(C) to protect the public from further crimes of the defendant

A sentence of 70 months will protect the public from further crimes of the Defendant. A sentence of 70 months will certainly protect the public from further crimes of Derrick Thorne.

(D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

The Defendant could possibly benefit from educational or vocational training.

**3. The Kinds of Sentences Available**

Conspiracy to Distribute and Possess with Intent to Distribute in Excess of 500 Grams of Cocaine is a Class B Felony which is punishable by not more than 40 years imprisonment, a \$5,000,000 fine and supervised release of not less than 4 years, and a \$100 special assessment. The Defendant is ineligible for probation.

**4. The Sentencing Range Established by the Sentencing Commission**

The statutory period of incarceration is no more than 40 years. Probation's Guidelines Recommendation is 70 -87 months.

Under 21 U.S.C. 841 and U.S.S.G. 2D1.1, the amount of cocaine that was found as part of this conspiracy was 500 grams and 2 kilograms which equates to a base offense level of 24. Derrick then receives a 2-point reduction for his acceptance of responsibility under U.S.S.G. § 3E1.1 (a). Derrick also receives a 1-point reduction for timely notifying authorities of the intention to enter a plea of guilty. This would result in an adjusted offense level of 21.

Mr. Thorne has 9 criminal history points. Pursuant to U.S.S.G.4A1(d), 2 criminal history points are added since Derrick committed the offense while under a criminal justice sentence in Hamilton County Municipal Court. The total criminal history score is 11, which places him in Criminal History Category V. This results in a guidelines sentencing range of 70-87 months imprisonment, which is Zone V of the Sentencing Table, but this is only a recommendation according to *United States v. Booker*, 543 U.S. 220 (2005).

**5. Objection to Proposed Sentencing Guidelines**

The Defendant has no legal objections to the proposed sentencing guidelines recommendations.

**6. Request for Alternative Sentence**

The Defendant asks the Court to consider the low-end of the guidelines when considering *Booker* for Mr. Thorne and considering how his situation applies to the 3553(a) factors.

**7. The Need to Provide Restitution to any Victims of the Offense**

As in all drug cases, the community as a whole is the victim. There is no ascertainable victim and due to the Defendant's financial status, there is no need for restitution.

**Conclusion**

We respectfully ask this Honorable Court that the Defendant, Derrick Thorne, be sentenced to 70 months in prison. This would be a fair sentence upon a review of the 18 U.S.C. 3553(a) factors. Mr. Thorne is the father of 2 children and helps take care of 2 additional children who need him for support. We ask this Honorable Court to sentence Mr. Thorne to the closest possible medical facility near Cincinnati, so he can address his medical issues. Finally, we ask for Derrick Thorne to be enrolled in the RDAP program.

Respectfully submitted,

/s/ Christopher L. Jackson

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this document was filed with the EDKY ECF system and an identical copy was served on all relevant parties on the same date as filed.

/s/Christopher L. Jackson

Christopher L. Jackson (0076220)